

Service Date: October 25, 1999

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER OF U S WEST	)	UTILITY DIVISION
COMMUNICATIONS, INC., Service	)	
Quality Reports	)	DOCKET NO. N99.10.230
	)	ORDER NO. 6205

ORDER ON MOTION FOR PROTECTIVE ORDER

On October 8, 1999, U S West Communications, Inc. (USWC), filed before the Public Service Commission (PSC) a Motion for Protective Order to govern disclosure of certain information included in USWC service quality reports which are filed with the PSC pursuant to schedule or PSC request. USWC's basis for the motion is that the information is "trade secret" pursuant to § 69-3-105, MCA.

USWC's motion and supporting arguments do not include enough detail for the PSC to make a determination that the service quality information is trade secret or otherwise protectible through protective order. Therefore, within 10 days of the service date above, USWC must either submit the requested information without protection or USWC must submit additional argument (fact and law) as to why the service quality information qualifies as trade secret or should otherwise be protected from disclosure by PSC protective order.

Prior to June 4, 1999, certain information within USWC's service quality reports was protected under generic PSC protective orders. In the latest USWC generic protective order (Order No. 6172, June 4, 1999) the PSC stated that USWC's service quality reports will no longer be protected unless USWC first demonstrates that the information should be protected. USWC's demonstration that service quality reports are properly protectible should include information and argument pertaining to how such service quality information is treated in regard to protection or public disclosure in other jurisdictions (e.g., other states, federal level), and why, specifically, the information qualifies as "trade secret" pursuant to § 69-3-105, MCA (i.e., in accordance with § 30-14-402, MCA, what causes the information to "derive independent

economic value ... from not being generally known ... by other persons" and how would other persons "obtain economic value from its disclosure or use.")

Done and dated this 19th day of October, 1999, by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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DAVE FISHER, Chair

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NANCY MCCAFFREE, Vice Chair

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision.  
A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.